

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

V.

**CHRISTOPHER A. NOVINGER,
BRADY J. SPEERS,
NFS GROUP, LLC d/b/a NOVERS FINANCIAL a/k/a
SAFE RETIREMENT EXPERTS,
ICAN INVESTMENT GROUP, LLC, and
SPEERS FINANCIAL GROUP, LLC,**

Defendants.

CASE NO. 4:15-CV-358-O

**JOINT MOTION TO ENTER
AGREED FINAL JUDGMENTS**

Plaintiff Securities and Exchange Commission (“Commission”) and Defendants Christopher A. Novinger, Brady J. Speers, NFS Group, LLC d/b/a Novers Financial a/k/a Safe Retirement Experts (“Novers”), ICAN Investment Group, LLC, and Speers Financial Group, LLC (collectively “Defendants”) file this Joint Motion to Enter Agreed Final Judgments against all Defendants, and would respectfully show the Court as follows:

1. On May 11, 2015, the Commission filed this civil action, alleging that Defendants Novinger, Speers, and Novers violated the securities registration and antifraud provisions of the federal securities laws, namely Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77e(a), 77e(c), and 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]. *See* Doc. 1. The Commission also alleged that all Defendants violated the broker-dealer registration provisions of the federal securities laws, namely Section 15(a) of the

Exchange Act [15 U.S.C. § 78o(a)]. *Id.* Based on these allegations, the Commission sought: (i) permanent injunctive relief against all Defendants, (ii) disgorgement of ill-gotten gains against all Defendants, (iii) accrued prejudgment interest on those ill-gotten gains, and (iv) civil monetary penalties against Novinger and Speers. *Id.*

2. On February 25, 2016, the parties filed a Joint Motion to Stay Litigation, apprising the Court that: (i) Defendants submitted a written offer to settle this litigation, and (ii) counsel for the Commission agreed to begin the process of submitting – and recommending – Defendants’ offer for consideration by the Commission. Doc. 28, p. 3, ¶6. In the interests of judicial economy and conserving the parties’ resources, the parties requested the Court to stay this litigation to allow time for this process to be completed and to maintain the status quo in this litigation. *Id.* at ¶7.

3. On February 26, 2016, the Court granted the parties’ joint motion to stay and ordered the parties to file a joint status report on or before April 26, 2016. Doc. 29.

4. On April 25, 2016, the parties filed a Joint Status Report, apprising the Court that counsel for the Commission believed he would be in a position within 45 days (by June 9, 2016) to report to the Defendants and the Court about whether Defendants’ settlement offers have been accepted. Doc. 30, p. 2, ¶4.

5. The Commission has now approved the terms of Defendants’ settlement offers and the parties have finalized settlements as to all parties and as to all claims. Defendants have consented in writing to the entry of Final Judgments as to all the relief sought by the Commission. Defendants have executed Consents, which are attached hereto as Exhibits A – E, and have agreed to the form of the proposed Final Judgments, which are attached hereto as Exhibits F – J (collectively “Consent Judgments” or “Consent Decrees”).

6. The parties now jointly request that the Court enter these Consent Judgments, attached to this motion as Exhibits F – J, as to Defendants Christopher A. Novinger, Brady J. Speers, NFS Group, LLC d/b/a Novers Financial a/k/a Safe Retirement Experts, ICAN Investment Group, LLC, and Speers Financial Group, LLC.

7. Further, the parties respectfully request that the Court expressly determine that there is no just reason for delaying the entry of such Final Judgments under FED. R. CIV. P. 54(b).

Dated: June 3, 2016

Respectfully submitted,

/s/ B. David Fraser

B. DAVID FRASER

Lead Attorney

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On June 3 2016, I electronically submitted the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have also served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

David R. Clouston, Esq.

Counsel for Defendants: Christopher A. Novinger, Brady J. Speers, NFS Group, LLC, ICAN Investment Group, LLC and Speers Financial Group, LLC

/s/B. David Fraser

B. David Fraser